

MR1035-1501

Serial No.: 10/092,394

Response to final Official Action dated 5 October 2005

**REMARKS/ARGUMENTS**

This case has been carefully reviewed and analyzed in view of the Final Official Action dated 5 October 2005. Responsive to the rejections made by the Examiner, Claim 24 has been amended to be clearer in its recitation.

Applicants acknowledge appreciatively the Examiner's allowance of Claims 1 and 3-15.

In the Official Action, the Examiner rejected Claims 24 and 26-28 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Examiner observed that Claim 24 recites the limitation "third criteria", where there is insufficient antecedent basis established for such limitation. Accordingly, Claim 24 has been amended to remove the limitation of "third criteria" therefrom. The Claim now recites "causing an intracoding operation to be performed at least partly in response to at least two of the first criterion being met, the second criterion being met and the first MAD value being a local maximum".

In the Official Action, the Examiner cited Gardos, et al. (U.S. Patent #5,737,537; hereinafter "Gardos") as being relevant prior art, but did not use the reference in the rejection of Claims. The reference has been analyzed in view of pending Claims 24 and 26-28 and while the two-measure block classification

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scheme of Gardos appears to have similarities with the invention of the subject Patent Application, the apparatus and methods described in the reference reflect the different objectives of Gardos and Applicants' invention.

As described in the reference, Gardos uses separate measures, maximum-absolute-difference (MAD) and a sum-of-absolute-differences (SAD) to determine whether a block can be encoded as an "empty" block. This is quite removed from the invention of the subject Patent Application, which sets out to detect scene changes to determine if a frame should be intracoded. Although perhaps subtle, the methods implemented by each system reflect the opposing objectives thereof and are decidedly different. Gardos' is based on the premise that simple statistical measures may be used to establish if a block can be encoded as "empty". Thus, Gardos specifically avoids mean squared error (MSE) calculations in that "MSE is expensive to calculate" (column 1, lines 20-25). In fact, Gardos uses a MAD and two SAD measurements to completely avoid the computationally expensive MSE measure (column 8, lines 44-58). Clearly, if Gardos considers mean square error to be computationally expensive, the RMS calculation of equation 1 of the subject Patent Application would be shunned as well, perhaps even more so. It is no surprise, then, that it is nowhere suggested in Gardos, much less shown thereby, a step for "calculating a first root means square (RMS) value for a first portion of the video sequence" so that it can be "determine[ed] if the first RMS value meets a first criterion", such as recited by newly-amended Claim 24 of the subject Patent

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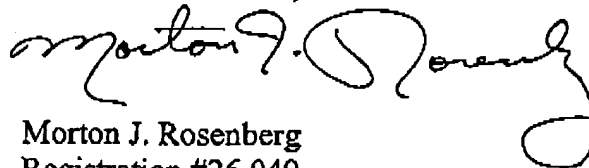
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Application. Moreover, any addition of such a method step would be superfluous to Gardos and would, at a minimum, change a principal of operation thereof, if not outright rendering the system insufficient to its intended purpose. Thus, it is believed that Claim 24, as now amended, is both unique and non-obvious over Gardos.

Claim 24, as now amended, is now believed to be in condition for allowance. It is believed, further, that Claims 26-28, which are respectively dependent from independent Claim 24, are allowable for at least the same reasons for which Claim 24 is believed to be allowable.

It is now believed that the subject Patent Application has been placed in condition for allowance, and such action is respectfully requested.

Respectfully submitted,  
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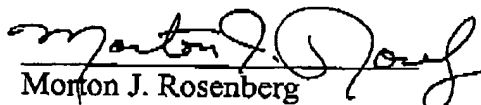
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